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THE

PRESENT STATE

OF THE

CONTROVERSY

BETWEEN

THE STATES

OF

NEW-YORK

AND

NEW-HAMPSHIRE

ON THE ONE PART,

AND THE STATE

OF

VERMONT

ON THE OTHER.

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M,DCC,LXXXII.

IT has ever been the practice of the people of Vermont from their first settlement of this disputed territory, to appeal to the impartial judgment of the public as to the justice of their cause, against the claims and demands of contiguous governments to the jurisdiction and right of soil of this territory, and their natural and inherent right to form into a political society, and emancipate into a regular constituted government, as well to rid themselves from the inconveniencies and evils inseparable from a state of nature and anarchy which they had long laboured under, as, to exempt themselves from the usurpation and iron rod of the government of New York. In those matters the public have most generally favored Vermont with their approbation, but how comes it to pass that Vermont has laid claim to the New-Hampshire Grants East of Connecticut River, to the old Mason line, and to a district of territory to the westward of the New-Hampshire Grants (which had been granted and settled by the former government of New-York) as far to the w[illegible] the centre of the Hudson's river.

The reasons which induced Vermont to thus extend her jurisdiction, are too prolix to be particularly given in this small publication, and therefore, the bulky part of them, are proposed to be shortly printed in a larger pamphlet; however to observe briefly, it is well known that the government of New-York, both before and since the late revolution, have claimed the jurisdiction and soil of the land comprehended in the territory over which Vermont first erected and extended its governmental jurisdiction, viz. from within

about

about twenty miles eaſt from Hudſon's River, to Connecticut River, bounding Northerly on the 45th degree of latitude, and ſoutherly on the north line of the Commonwealth of Maſſachuſetts.

For the ſpace of near fifteen years previous to the commencement of the preſent war, the inhabitants of that territory, for a variety of reaſons heretofore publiſhed, were in oppoſition to the juriſdiction of New-York, and great part of the time in arms, againſt the oppreſſions, laws and authority of that government, within the ſaid territory; for the ſubſequent grantees under New-York at law challenged the lands and labours of the inhabitants who had previouſly purchaſed and ſettled the lands under the government of New-Hampſhire.

During thoſe conflicts with the government of New-York, a great plurality of proclamations were at different periods given out by the reſpective Governors of New-York, for the expreſs purpoſe of apprehending, and (as they phraſed it) to bring to condign puniſhment, thoſe delinquent inhabitants, and large rewards were therein offered for that purpoſe, ſo that great part of the inhabitants had, at one time or other, become obnoxious to thoſe proclamations, either as original actors or as accomplices.

The laſt memorable tranſactions of the government of New-York, prior to its revolution (from a province to a State) toward thoſe inhabitants, was the paſſing twelve acts of outlawry againſt them which had the ſanction of their legiſlative body, which wholly precluded them from the privilege of governmental protection, and amounted to a poſitive declaration of war againſt them; upon which the inhabitants of the ſaid

diſtrict

diſtrict (then called the New-Hampſhire Grants) by the authority of their then leaders, publiſhed a declaration of a defenſive war againſt the government of New-York, but the preſent revolution commencing procraſtinated the deciſion of the diſpute at arms, as both parties entered the liſt of oppoſition to the aſſumed prerogative of the parliament of Britain over the then colonies.

The United States declared their independence the 4th day of July 1776, and Vermont announced their's the 15th day of January next following.

The 22d of Auguſt 1778, the State of New-Hampſhire made a demand on the State of Vermont of a relinquiſhment of the juriſdiction of the New-Hampſhire Grants to the eaſtward of Connecticut river and to the weſtward of the old Maſon line, over which, at that time, Vermont had begun to exerciſe juriſdiction, ſuppoſing that the whole of theſe Grants, on both ſides of Connecticut river, had a right to unite in one entire State, in conſequence of the annihilation of Kingly power, which alone had connected the Grants eaſt of Connecticut river and weſt of the Maſon line to New-Hampſhire, and the Grants weſt of Connecticut river to New-York, as by the royal adjudication of their boundary line on Connecticut river in 1764, in the determination of which the inhabitants of theſe Grants were unknowing and wholly paſſive; and all the pretenſions which the Governors of New-York and New-Hampſhire ever had from the crown of England, to any juriſdiction over thoſe Grants, were derived in their commiſſions pointing out their boundaries of juriſdiction, or to ſome royal decree of the King, as that of 1764; which the State of New-Hampſhire principally urged, as a reaſon why Vermont

ſhould

ſhould recede from their claim of juriſdiction to the eaſt of Connecticut river, for that there was no other way of aſcertaining the bounds of any of the United States but by the lines formerly eſtabliſhed by the Engliſh government; their own words are theſe,

"Were not thoſe towns" eaſt of Connecticut river "ſettled and cultivated under grants from the Gover-"nor of New-Hampſhire; are they not in the lines "thereof as ſettled by the King of Great-Britain, "prior to the preſent æra? Is there any aſcertaining "the boundaries of any of the United States of A-"merica, but by the lines formerly eſtabliſhed by "Great-Britain, I am ſure there is not."

Though this reaſonig was not fully ſatisfactory to Vermont, viewing the whole matter on a large ſcale, yet as they were previouſly engaged in a ſpirited controverſy with the State of New-York, the legiſlature of Vermont complied with the demand of New-Hampſhire, and on the 12th day of February 1779 relinquiſhed their claim of juriſdiction to the New-Hampſhire Grants to the eaſtward of Connecticut river.

The prolixity of the tranſactions between the reſpective States of New-Hampſhire and Vermont, in the ſettlement of their boundary line on Connecticut river, will not admit it a place in this, but may be ſeen at large in a pamphlet entitled "A conciſe Refutation of the claims of New-Hampſhire and Maſſachuſetts Bay to the Territory of Vermont."

In March, 1779, the legiſlature of New-Hampſhire propoſed the laying of their juriſdictional claim to the whole of the New-Hampſhire Grants, which included the State of Vermont, againſt which Vermont ſtrenuouſly

ouſly remonſtrated at the General Court of New-Hampſhire, but to no purpoſe. They violated their ſettlement of the boundary line, which but a few months before had been amicably ſettled between them and the State of Vermont (as before mentioned) and laid claim to the State of Vermont, breaking over the royal line of 1764 aforeſaid, although that line had been the principle predicate of their arguments with Vermont, to relinquiſh their claim to the Grants eaſt of Connecticut river, and by which they enforced their right of juriſdiction to the ſame, and which, upon their own principle, operates with equal weight againſt their claim to the Grants to the weſtward of the ſame river, alias, of the ſaid royal line. But it ſeems that New-Hampſhire will make ſomething, any thing, or nothing, not only with the line of 1764, but with the line which (previous to their claim of the juriſdiction to the territory of Vermont) their government had adjuſted with that of Vermont, juſt as their fancy and ambition may prompt them.

New Hampſhire having laid claim to the State of Vermont, united her efforts with the State of New-York to ruin and overturn the juriſdiction thereof, and began to ſow diſcord and make diviſions, on the eaſt ſide of the Green Mountains and weſt of Connecticut river; inveigling ſome of the inhabitants to renounce their allegiance to Vermont and connect with New-Hampſhire, while New-York were as induſtrious in ſeducing others on the weſt ſide of thoſe mountains, to unite with them, but met with leſs ſucceſs than their eaſtern ally. Their joint influence in the Congreſs of the United States was ſo great, that they procured from them, on the 24th day of September, 1779,

a reſolve, appointing the firſt day of February then next, to adjuſt the claims of thoſe States to the territory of Vermont, with a proviſo that they would enact laws impowering Congreſs to do it, which they accordingly did, and the inhabitants of the New-Hampſhire Grants (in the language in that caſe adopted) were ſerved with a copy of that reſolution. But Vermont remonſtrated againſt the juriſdictional right of Congreſs to determine their independence which had been previouſly eſtabliſhed by the authority of the people of the territory of Vermont, whoſe right it was to conſtitute and organnize government, and though thoſe claiming States did not ſucceed, in procuring of Congreſs a recognizance of their ſaid juriſdictional claims, or either of them, over the ſaid territory, they nevertheleſs prevented this State from a fœderal union with the United States to this day, in conſequence whereof this State has been expoſed to the whole force of the enemy in Canada, without any alliances.

In December, 1780, Vermont, with written propoſals from its ſupreme executive authority, accompanied by a ſpecial agent, ſolicited thoſe claiming States, and each and every of the New-England States, for an alliance againſt the common enemy, but no anſwer was returned from any or either of them: In this critical ſituation Vermont was ſolicited, by two reſpectable diſtricts of inhabitants, one from each of thoſe claiming States which lay contiguous to the eaſt and weſt ſide of it, to be admitted into union and governmental connection with them, as well to enjoy the privileges of their conſtitution and laws as by them together with their own mutual aſſiſtance to be protected from the common enemy. The legiſlature of

Vermont

Vermont, taking into their ſerious conſideration the perp exed and embarraſſed circumſtances of the State, occaſioned partly from its local ſituation to Canada, and partly by the deſigns and influence of thoſe claiming States, and perceiving it was through their united efforts that this State were precluded a union with the United States, and that they made and fomented ſchiſms among her citizens, and as their numbers and reſources were inadequate to oppoſe the enemy's force in Canada, with a rational proſpect of ſucceſs, and that a union with thoſe contiguous diſtricts would augment their ſtrength, and enable them to make a much better defence againſt the enemy, and heal thoſe internal diviſions among themſelves, and give thoſe litigious claiming States to experience the evils of inteſtine broils, which they had prepared for Vermont: Further conſidering that theſe diſtricts, now called the eaſt and weſt unio s, had been principally defended by this State ever ſince the ſurrendery of the Britiſh army by Gen. Burgoyne, and that thoſe diſtricts had been neglected as to their defence from the common enemy, by the States to wh ch they had previouſly yielded allegiance, more particularly the weſtern diſtrict, which this State have reaſon to conclude was done by New-York, partly with deſign to lay them more expoſed to the common enemy. That the inhabitants of thoſe diſtricts were, by natural ſituation to the waters of the northern lakes, and expoſedneſs with the inhabitants of the old terr tory of Vermont to the incurſions of the enemy from Canada, which in this or in future wars would render it expedient and beſt that they ſhould belong to this State, as well as more remotely ſo to the United States, as it will make a ſtrong barrier againſt Canada.

Canada. But be it in future as it will, at preſent, ſelf preſervation and mutual defence rendered it indiſpenſably neceſſary, that the inhabitants of thoſe diſtricts, with thoſe of the old territory, ſhould unite in one entire State, and accordingly, on the 14th day of February 1781, the legiſlature of Vermont laid a juriſdictional claim to them, in conſequence of which they became incorporated into this State.

Nor have the States of New-York or New-Hampſhire, or either of them, upon the ſtating of their own claims, any more right of complaint againſt Vermont for forming the late unions than in forming government within its firſt limits; foraſmuch as they denominate the whole of Vermont, unions and all, a uſurped government, and call its inhabitants their revolted ſubjects, and threaten the ſubjugation of them. However, it is no ways probable that Vermont would have laid a juriſdictional claim to any part of the juriſdiction of thoſe claiming ſtates, had they not perſiſted in the proſecution of their unreaſonable claims againſt the independence of this ſtate. Though it is obſervable, that neither the old territory, or either of its unions, were ever included in any grant or charter from the crown of England, to either of the governments or peop'e of New-Hampſhire or New-York, or to their predeceſſors; but were extra provincial land, without the limits of any original juriſdiction whatever, but was altered from one juriſdiction to another by the ſovereign mandates of the king of Great-Britain. But if thoſe royal mandates are admitted at this day to be binding, as giving validity to juriſdictional lines; that to his Excellency Governor Philip Skeen, from the ſame royal authority, which was the

laſt

laſt of the ſort which affected the old diſputed territory of Vermont and its weſtern union, over which it veſted him with juriſdictional authority, and which on the poſition of the validity of royal traditions and boundaries, would fatally operate againſt the claim of the State of New-York, and wholly fruſtrate their arguments deduced from the kingly ſettlement of their boundary line with New-Hampſhire of 1764 aforeſaid.

The written expreſs condition upon which Vermont admitted thoſe unions was, that provided Vermont ſhould be admitted into the fœderal union with the United States, Congreſs ſhould determine its boundaries (alias its unions) agreeable to the mode preſcribed by the Articles of Confederation of the United States.

On the 22d of Auguſt laſt, Congreſs propoſed that Vermont ſhould exclude or nullify their ſaid unions, and then be admitted into the fœderal union of the United States. But why did not the legiſlature of Vermont at their ſeſſions in October laſt diſſolve their ſaid unions and end the controverſy as Congreſs propoſed? It was not in their power to do it; the previous conditions of diſſolving the unions were impoſſible, as the inhabitants of thoſe unions were in the moſt ſolemn manner admitted to all and ſingular of the privileges and protections of government, in common with thoſe other citizens who firſt erected it. The faith of govenment was pledged for their ſecurity, and they became incorporated into the ſame political body, and compoſe a reſpectable part of its legiſlature. Previous to the forming of thoſe unions, had Congreſs propoſed a union of Vermont with the United States, bonfires and public rejoicings would have been diſplayed as teſtimonies of their gratitude to Congreſs, and its legiſlative

giſlative body would have unitedly complied with it. Notwithſtanding the good intention of Congreſs, had Vermont abandoned their unions to the vindictive rage of New-York and New-Hampſhire, had it been in their power, would have been to their indellible and eternal reproach. Had the legiſlature of Vermont attempted a diſſolution of their unions, it would have flung them, and conſequently the whole ſtate, into ſuch inteſtine broils, that they would have fell an eaſy prey to their watchful competitors, viz. New-York & New-Hamſhire, and not only be damn'd and tantaliz'd over by them, but ſpurn'd and derided by the New-England States, to whom they have granted a large quantity of land, and incorporated it into townſhips.

The legiſlature of the State of New-York, at their late ſeſſion, renewed their claim to the property and ſovereignty of the lands of Vermont, as far to the Eaſtward as Connecticut river, and to latitude forty-five degrees north; and remonſtrated againſt the ſaid reſolution of Congreſs of the 22d of Auguſt laſt ---and alſo againſt the authority of Congreſs to determine the Independence of Vermont, which they predicate on the articles of their confederation. So that what effect this peremptory remonſtrance, grounded on former compacts, would have had with Congreſs, relative to the admittance of this State into the union of the United States, provided Vermont were diſincumbered of its unions, is uncertain, though moſt probable it would have prevented it. Congreſs may now, if they think proper, admit Vermont into union, and then determine its boundaries, or which is the ſame thing as its unions; agreeable to the condition upon which the unions took place, ſo that it is in the power of Congreſs, by taking Vermont into union with the United States, legally to diſſolve the unions if they think beſt; but not in the power of the legiſlature of Vermont to do it. The legiſlative body of Vermont at their ſeſſion in October laſt, propoſed to the legiſlatures of the States of New-York and New-Hampſhire, to refer the diſputes relative to their reſpective boundary lines, to the final arbitrament and deciſion of indifferent men, and pledged the faith of government to abide their determination

termination; which propoſals were officially tranſmitted to both of thoſe States, but no manner of anſwer has been returned to this State—And why, the cauſe is very obvious; for had thoſe States complied with the propoſals of this, they muſt have neceſſarily ſurceaſed their reſpective claims to the old territory of Vermont (an object too dear to them to part with) for there could be no arbitration without parties, and no parties without Vermont was admitted to be a ſtate, which would have been implicitly acknowledged by thoſe ſtates, by arbitrating on its boundaries. But queries may ariſe in the minds of the reader, Was it honeſt in Vermont to extend their juriſdiction upon the States of New-York and New-Hampſhire? Previous to the ſolution of this queſtion, it is requiſite to determine whether honeſty is trumps or not. *Sharp is the word.* Each of thoſe ſtates had in the firſt place laid their reſpective claims to the old territory of Vermont; and though Vermont, prior to extending its claims, had earneſtly ſolicited them to ſurceaſe their claim to Vermont—accede to their independence, and make an alliance with them againſt the common enemy, which propoſals were officially tranſmitted to thoſe States: But no; they would return no anſwer to revolted ſubjects—Let them ſtruggle in their inſignificant notions of independence, they will anſwer as a forlorn hope to ſecure the liege ſubjects of New-York and New-Hampſhire; they are nicely ſituated to Canada, and when the war is terminated, if any of them remain alive, we old confederated States can eaſily ſubject them; but if we think it moſt prudent, we have a right to call on the whole confederacy of the United States ro cruſh them; ſo that at moſt they are but our vaſſals, and cheag'd with imaginary proſpects of liberty (a thing greatly talked of in this world and but little enjoyed) will go through the hazards and fatigues of that expoſed part of our frontiers better than as though they had ſome time paſt been ſubjugated, which we old and politic ſtates can do any time when it beſt ſerves our purpoſes; we know the length of their tether and can ſhorten it when we pleaſe, and have ſome time ſince divided their territory between us; we have them ſnug enough, and ſcorn to anſwer any of their propoſals. This is the language of their ſilence and of their claims; ſo that the queſtion concerning Vermont's unions, is not ſo much whether it accords with old homeſpun honeſty, as whether it is politically ſo; or in fine, whether it was honeſt for Vermont in their trying circumſtances to make any acceſſions of power againſt the

the avowed coercive deſigns of thoſe ſtates, or the common enemy. Before we leave this ſubject, we will query whether it was not as honeſt in this ſtate to lay a juriſdictioual claim to the grants eaſt of Connecticut river, as it was for New-Hampſhire previouſly to break over the mutual ſettlement of their boundary line with Vermont on Connecticut river, and lay claim to the then whole territory of Vermont. So much for honeſty.

But, ſay the enemies to the independence of Vermont, why was there but little or no fighting between them and the enemy in Canada laſt campaign? Surely there is ſome negotiation taking place between them inimical to the United States of America---Rouſe the whole confederacy and deſtroy Vermont.---But why, what evil have they ſuſtained from the northward? Have the enemy been permitted to paſs through Vermont to invade the United States? No, not yet; but it is going to be done---So is the laſt trumpet going to ſound, but not yet, and it is more than probable that neither of theſe events will take place in our days. But how came all this jealouſy and talk in America? It was undoubtedly firſt promoted by thoſe who were impatient that the inhabitants of this State ſhould have been deſtroyed by the common enemy (or by weak and ſelf-conceited politicians which are apt to ſwarm in republican governments)---To the former it is a myſtery that Vermont yet lives; they think that having prevented its union with the United States it muſt have terminated in their deſtruction: and inasmuch as they are at a loſs about all theſe and thoſe things, it may be beſt that they remain ſo: This publication is by no means meant to open their eyes, but leaves them to grope in the dark, conjecturing what to their depraved ideas of politics appears moſt eligible. However, there are rumours circulated that the whole confederacy of the United States will join and extirpate Vermont, which is as unlikely as that the tail of the next comet will ſet the world on fire. What eminent ſervices have Vermont done in the common cauſe in the courſe of this war, even to thoſe claiming States who are devoting it to deſtruction, in order to take poſſeſſion of the fertile territory; but as it is merely intereſted views which unite thoſe claiming States to endeavour the ruin of Vermont, which cannot be an inducement to the other eleven United States; it is not ſuppoſable that they will be duped to eſpouſe their cauſe, the reward o which could be nothing but infamy and diſgrace. How inglorious would the victorious Continental Troops, juſt returne

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from the capture of a proud and haughty army, with a Cornwallis, the pride of England, at their head, appear in arms, puiſſantly trampleing on the rights of a brave and meritorious people, and ſacrificing the liberties which they have been valiantly ſupporting; and all to corroberate the venal and ambitious deſigns of controverting States; Heavens forbid it! Preſerve their laurels, and ſmile propitiouſly on Vermont, who want nothing but juſtice ſhould take place between them and their competitors. Did not Vermont ſtrike a reſpectable part of the mortal blow towards capturing General Burgoyne, which produced the alliance with France, and in the chain of cauſes brought the French fleet to Cheſepeake, and brought about a ſecond memorable æra in America. But notwithſtanding what has been ſaid on this ſubject, we will premiſe, for it is probable, that New-York and New-Hampſhire will urge the confederacy at large to ſuppreſs Vermont, and ſubject it to their juriſdiction; but it is obſervable, that both of thoſe claiming States claim this territory againſt each other; ſo that it will be pre-requiſitely neceſſary for Congreſs to aſcertain and eſtabliſh the boundary line between thoſe States, prior to any ſuppoſed ſubjugation of Vermont to thoſe juriſdictions, or to either of them; for otherwiſe there could be no object in view in a ſuppoſed conqueſt of Vermont: But after all, it would ſtill remain a diſpute who ſhould ſhare the conqueſt, whether New-York or New-Hampſhire, or whether either of them ſhould extend juriſdiction over the diſputed premiſes; or if over any part, how far either the one or the other, or either of them, ſhould extend juriſdiction: So that the States of New-York and New-Hampſhire, previous to the conqueſt of Vermont, by the confederacy of the United States, muſt go through a tryal at law, agreeable to the articles of confederation, or otherwiſe, in order to ſettle their boundary line, or elſe pull off the maſk and publicly own the fact, with which they ſtand indicted by Vermont, viz. That they have ſome time paſt clandeſtinely agreed upon the line of the diviſion of that State, and ſo produce it to Congreſs as a line mutually agreed on between themſelves; but I adviſe them to pretend to Congreſs, and to the world, that it was but very recently agreed upon between them.

But why does not Vermont call on the eleven United and diſintereſted States to eſpouſe their cauſe againſt the oppreſſions of the other two; becauſe ſhe does not belong to the confederacy of the United States. But how came thoſe claiming States

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to have a right to challenge aſſiſtance from the United States, as predicated on the guarantee of their confederation, to eſpouſe their quarrel with the State of Vermont, which had unremittedly exiſted many years with New-York, and ſome conſiderable time with New-Hampſhire, before the confederacy of the United States took place, which was on the firſt day of March, 1781, and in the fourth year of the governmental Independence of Vermont, and fourteen days after Vermont had formed the before mentioned unions, which was on the fourteenth day of February, 1781. Will any advocates for the confederacy of the United States be ſo hardy as to pretend that it could be in force before it exiſted, or that it could poſſibly have a retroſpective obligatory nature, any more than a law before it is enacted? Every one will determine in the negative; and conſequently the State of Vermont, including its unions, cannot come within the reach of the guarantee of the confederation of the eleven United States, to thoſe other claiming United States; nor is there any manner of propriety in any ſuppoſable demand of any one, or both of the States of New-York or New-Hampſhire, on the guarantee of their confederacy, to interfere with or eſpouſe their controverſy with Vermont, previous to the firſt day of March laſt, when their confederacy took place.

Furthermore, thoſe claiming States, previous to Vermont's extending their juriſdictional claims upon them, were the aggreſſors, in that they unitedly and ſpiritedly perſiſted in proſecuting their reſpective claims to the territory of Vermont, and made uſe of any and every indirect meaſure in their power, to accompliſh their deſigns and fruſtrate the independence of Vermont, and thereby neceſſitated her to lay claim to thoſe unions, to preſerve herſelf; ſo that if there be any wrong in Vermont in laying claim to them, in itſelf, ſimply conſidered, New-York and New-Hampſhire were the procuring cauſe of it, and therefore cannot take advantage of their own wrong to blame Vermont, or have any rightful demand on the confederacy to aſſiſt them, ſo as with or without them to ruin Vermont, who would never have made thoſe claims on them, had not their previous unwarrantable claims againſt her, occaſioned the laying of them.

It ſeems that thoſe claiming States, chuſe to be at liberty to claim and vex Vermont, and make what repriſals they can upon her, yet, if Vermont return the compliment, as we vulgarly ſay *tit for tat*, they complain of abuſe and injuſtice; and ſhe is

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threatened with awful desolation from the confederacy at large, if we may credit the reports of the sticklers of those claiming States. Vermont does not mean to be so over righteous as by that means to die before her time; but for the States of New-York and New-Hampshire, to stand griping their respective claims fast hold of Vermont, and at the same time make such a hedious outcry against the gripe of Vermont upon them, is altogether romantic and laughable.

State of Vermont, January 17, 1782.